

# DISPROPORTIONALITY RUBRIC FOR DISTRICT SELF-REVIEW

## **Referral, Identification and Placement**

**District procedures for referral, identification and placement:**

- are transparent, equitable, and multi-disciplinary;
- are applied in accordance with federal and state statute; and
- resulting special education eligibility decisions are regularly reviewed, including methods, types of measures and frequency with which identification decisions are made.

Rubric adapted from National Center for Culturally Responsive Educational Systems (NCCREST):  
*Technical Assistance and Professional Development Planning Guide*<sup>1</sup>; *Rubric for Looking at District Practice*<sup>2</sup>.

Michigan Department of Education  
Office of Special Education and Early Intervention Services

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<sup>1</sup> National Center for Culturally Responsive Educational Systems (NCCREST). *Technical Assistance and Professional Development Planning Guide*, 2006.

<sup>2</sup> National Center for Culturally Responsive Educational Systems (NCCREST). *Rubric for Looking at District Practice: Preventing Disproportionality by Strengthening District Policies and Procedures – An Assessment and Strategic Planning Process*, February, 2006.

## Introduction to Michigan Disproportionality Rubric

The Disproportionality Rubric is a tool designed to help districts address systems issues that may lead to disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. The Rubric assists district teams in examining referral, identification and placement policies, procedures, and practices in special education that have been shown to contribute to institutional factors surrounding disproportionality.

The purpose of the process which is grounded in the use of the Rubric will ensure that schools are using appropriate referral and eligibility procedures for special education.

The tool addresses 6 standards:

1. Location & Referral Procedures: Quality of procedures for identification of special education students
2. Self-monitoring of Equity: Review of referral and eligibility data
3. Culturally Sensitive Assessment Practices: Assurance of culturally sensitive assessment practices
4. Eligibility Determination: Demonstration of comprehensive consideration of relevant data to determine eligibility
5. Performance Data In Decision-Making: Educational placement and setting decisions aligned to performance data
6. Inclusive Educational Practices: Access to general education curriculum through the appropriate continuum of services

The Rubric standards are the focus of the district review process, however, "It is critical to keep in mind that the design of the strategies to address minority disproportionality in special education (also) requires the active leadership and ownership of general educators."<sup>3</sup>

The expectation for each standard is clearly defined along a developmental continuum from "Beginning" to "At Standard." Each level subsumes the previous one on the continuum. The Rubric is a key tool for gathering information to develop an effective district improvement plan required by the Office of Special Education and Early Intervention Services (OSE/EIS).

<sup>3</sup> Gamm, Sue. Disproportionality in Special Education: Where and Why Overidentification of Minority Students Occurs, LRP Publications, 2007, p. 76.

## Introduction to Michigan Disproportionality Rubric

### Recommended Process

The district should establish a district team from general and special education and a designated facilitator.

- The team must also include the superintendent (or designee), a special education administrator, a general education representative and an ISD representative.
- The team should meet to determine who will gather which data on a specified timeline.
- Once the data are assembled, the team should gather for several extended meetings.
- At the initial data analysis meeting, small groups should examine available district data against a focus area of the rubric.
- Every standard of the rubric should be scored independently by more than one small group. Small groups meet to reach agreement on scoring of each focus area.
- Where small groups cannot agree, a third group should look at the data independently and score the element.

Once all standards are scored, the entire team should be convened and the scoring of all elements compiled in preparation for the Office of Special Education and Early Intervention Services (OSE/EIS) Site Visit. The OSE/EIS reviewers will ask the team facilitator to share the district scores and supporting evidence. The reviewers will seek clarification and additional evidence during the site visit.

The OSE/EIS feels strongly that data analysis demands collaboration, reflection, and input from the educational community. Eventually with guidance and practice, inquiry becomes habit, such that all members of the team are:

- Asking probing questions about student learning, district policies and procedures, and educator practices at the district, school and classroom levels;
- Checking assumptions against evidence; and
- Consulting outside research and multiple data sources to understand student achievement and equity and the ways to improve it.

The data worksheets following the Disproportionality Rubric will guide analysis of the data on representation of culturally and linguistically diverse students in special education. Use these worksheets to make statements about the data and identify the evidence for each statement and to assess district strengths and gaps, as well as supports.

## Possible Questions To Ask About The Data

Sample questions to guide the inquiry process:

### General Questions

1. What data sources will we use? Do we have disaggregated data by school and population subgroups?
2. What does our data tell us about the quality of student learning?
3. Which students have benefited from our policies/practices/interventions?
4. Are there particular groups of students who are not achieving as well as others?
5. Do any of the district data patterns overlap? Are patterns similar?
6. Are findings consistent across data sources?
7. What questions do we have that cannot be answered by this data?
8. What additional data do we need to answer our questions?

### Specific Disproportionality Questions

9. What are the district procedures for referring, identifying and placing students ages 6 through 21?
10. How are these procedures shared with school staff, families and the community?
11. How does the district assure that tests/instruments/assessments are culturally sensitive, minimizing bias for culturally and linguistically diverse students?
12. What tests/instruments/assessments are used to gather accurate information on what a child knows and can do academically, functionally and developmentally? Which languages and forms are available for each of these?
13. What are district procedures for the review of referral and eligibility decisions for special education? How often are referral and eligibility decisions reviewed?
14. What factors within the Multidisciplinary Evaluation Team process and Evaluation Review are used to verify decisions?
15. How does the district assure that placement decisions are flexible and based upon student needs?
16. How does the district analyze Educational Setting data for each school? Are these data disaggregated by race/ethnicity?
17. What racial and ethnic patterns of referral, identification and placement to special education do you notice in the district?
18. *Add your own questions here.*

## Legal Citations

### ***Individuals with Disabilities Education Improvement Act [IDEA] of 2004 —***

§ 1412 – State Eligibility

§ 1412 (a)(22) – Suspension & Expulsion Rates

§ 1412 (a)(24) – Over-identification and Disproportionality

§ 1418 (d) – Program Information; Disproportionality

§ 1418 (d)(1) - Disproportionality; In General

§ 1418 (d)(1)(A) – Identification of children as children with disabilities

§ 1418 (d)(1)(B) – Educational placement of children with disabilities

§ 1418 (d)(1)(C) – Incidence, duration, and type of disciplinary actions

§ 1418 (d)(2) – Review and Revision of Policies, Practices, and Procedures

§ 1462 (b)(2)(A) (iii) – Professional Development to Improve Services and Results for Children with Disabilities; ... to ensure appropriate identification ... prevent misidentification, inappropriate over- or under-identification ... especially minority and limited English proficient children

§ 1463 (c)(9) – Technical Assistance; ... Authorized Activities; Demonstrating models of personnel preparation to ensure appropriate placements and services

§ 1463 (c)(10) – Technical Assistance; ... Authorized Activities; Disseminating information on how to reduce inappropriate racial and ethnic disproportionality

## Standard 1

### **Location & Referral Procedure: Quality of Procedures for Identification of Special Education Students**

<b>Beginning</b>	<b>Developing</b>	<b>At Standard</b>
<p>The District's Special Education Contact is able to articulate referral procedures for students suspected of a disability.</p> <p>The District's Special Education Contact is able to articulate the process for parent involvement in the referral process.</p> <p>The Special Education staff involved in evaluating students for eligibility follow routine referral procedures for students suspected of a disability.</p> <p>District procedures are not yet written for the Child Find and/or referral, evaluation, and identification of students ages 6 through 21 who may have disabilities.</p>	<p>The Special Education staff involved in evaluating students for eligibility are able to articulate the referral process for students suspected of having disability.</p> <p>The Special Education staff involved in evaluating students for eligibility are able to articulate the process for parent involvement in the referral process.</p> <p>District has written procedures for the referral, evaluation, and identification, of students ages 6 through 21 who may have disabilities.</p>	<p>District has current written procedures for the referral, evaluation, and identification of students ages 6 through 21 who may have disabilities. The written procedures include:</p> <ul style="list-style-type: none"><li>▪ All required assessment processes;</li><li>▪ Procedural Safeguards for parents</li><li>▪ Description of referral procedures in parent handbook; and</li><li>▪ Referral procedures are available to all-staff.</li></ul> <p>District practices are in place for the referral, location, evaluation and identification of students, ages 6 through 21, who may have disabilities.</p> <p>General education administrators and teachers understand and implement their referral-related responsibilities in a timely manner.</p> <p>Child Find information is disseminated to parents and the community annually in comprehensive and equitable manner across race and ethnicity.</p>

**EVIDENCE: Standard 1**

**Location & Referral Procedure: Quality of Procedures for Identification of Special Education Students**

Beginning	Developing	At Standard
<p>Anecdotal records from interview with Special Education Contact describing referral procedures are aligned with forms used in district.</p> <p>The district has a checklist or a process for reviewing compliance with referral procedures.</p> <p>Review of student records (referral forms, Multidisciplinary Evaluation Team reports (METs), Individual Education Programs (IEPs) reveal compliance with referral procedures.</p>	<p>Anecdotal records from interviews with Special Education Contact and staff describing referral procedures are aligned with forms used in district.</p> <p>There are written procedures for the Child Find and/or evaluation, and identification, of students, ages 6 through 21, who may have disabilities.</p>	<p>There are written procedures, for the child find and/or referral, evaluation, and identification, of students, ages 6 through 21, who may have disabilities. These procedures fully reflect state and federal requirements.</p> <p>The Parent Handbook outlines all required components of referral procedures.</p> <p>The District makes available copies of referral and Child Find procedures in every building in the district.</p> <p>The District's referral procedures are accessible to general and special education personnel.</p> <p>Professional Development is provided for staff responsible for referral-related responsibilities.</p> <p>The District maintains annual written documentation that referral (Child Find) information is provided to parents and the community in a comprehensive and equitable manner across race and ethnicity.</p> <p>The District has a process and forms/charts that reflects systematic collection and analysis of referral rates by school.</p>

## Standard 2

### **Self-Monitoring of Equity: Review of Referral and Eligibility Data**

<b>Beginning</b>	<b>Developing</b>	<b>At Standard</b>
<p>The District Special Education Contact is aware of patterns of student referral and eligibility data disaggregated by disability race/ethnicity, English Language Learners (ELL) and gender.</p>	<p>The District Special Education Contact articulates a method for identifying patterns of student referrals and eligibility data disaggregated by disability, race/ethnicity, (ELL) and gender.</p> <p>The District Special Education Contact shares data disaggregated by disability, race/ethnicity, ELL with special education staff and referring building principals at least annually.</p> <p>On an annual basis, the District samples school referral and eligibility data, disaggregated by disability, race/ethnicity, ELL and gender.</p>	<p>The District Special Education Contact analyzes patterns of student referral and eligibility data disaggregated by disability race/ethnicity, ELL and gender.</p> <p>The District Special Education Contact shares disaggregated data by disability, race/ethnicity, ELL with special education staff.</p> <p>The District Special Education Contact identifies and uses measures to collect and record data on student referral and eligibility data disaggregated by disability, race/ethnicity, ELL and gender.</p> <p>The District shares disaggregated referral and eligibility data by race/ethnicity, ELL and gender with all general education administrators and teachers.</p> <p>The District compares teacher referral rates (disaggregated by race/ethnicity, ELL and gender) to the student racial/ethnic composition of the teachers' respective classes.</p> <p>Professional development and technical assistance is provided as a result of the annual analysis of disaggregated data.</p>



**EVIDENCE: Standard 2**

**Self-Monitoring of Equity: Review of Referral and Eligibility Data**

Beginning	Developing	At Standard
Anecdotal records from interview with District Special Education Contact	<p>Anecdotal records from interview with Special Education staff</p> <p>District level forms and charts with disaggregated referral and eligibility data by race/ethnicity, ELL and gender</p> <p>Building level forms and charts with disaggregated referral and eligibility data for race/ethnicity, ELL and gender</p> <p>Records of systems checks to determine if schools are using appropriate procedures to refer and determine eligibility</p>	<p>District level forms, charts with disaggregated referral and eligibility data by race/ethnicity, ELL and gender</p> <p>Building level forms, charts with disaggregated referral and eligibility and eligibility data by school for race/ethnicity, ELL and gender</p> <p>Records of systems checks to determine if schools are using appropriate procedures to refer and determine eligibility</p> <p>The District uses the annual analyses of disaggregated referral and eligibility data to conduct needs assessments and develop district plans for professional development and technical assistance.</p> <p>Based on the analyses of referral and eligibility data, the District has provided professional development on culturally responsive educational practices targeted to specific staff.</p> <p>Written plans for technical assistance for special education staff that are using inappropriate assessment practices or tools</p>

### Standard 3

#### **Culturally Sensitive Assessment Practices: Assurance of Culturally Sensitive Assessment Practices**

<b>Beginning</b>	<b>Developing</b>	<b>At Standard</b>
District provides a list of assessments used and selected for the evaluation of students to determine special education eligibility, with an explanation of the rationale for each one.	District reviews the technical manuals for all tests/instruments/assessments to determine validity, reliability, and technical adequacy in controlling for gender and culture bias, as well as demographic representation.	<p>District regularly reviews the technical manuals to adjust for present local student population.</p> <p>Districts identifies students who are not represented in the norming population of individual assessments and monitors non-biased assessment procedures.</p> <p>District provides ongoing professional development and support in the appropriate usage of culturally sensitive tests.</p> <p>District provides and administers tests/instruments/assessments in students' native language or other mode of communication, to ensure that the tests/instruments/assessments will yield accurate information on what the student knows and can do academically, developmentally and functionally, unless it is not feasible to do so.</p> <p>The District selects or administers tests/instruments/assessments in a manner that is not discriminatory on a racial, ethnic or cultural basis.</p>

**EVIDENCE: Standard 3**

**Culturally Sensitive Assessment Practices: Assurance of Culturally Sensitive Assessment Practices**

Beginning	Developing	At Standard
Anecdotal records from interview with the District Special Education Contact who is able to articulate his/her decision making process in the selection of culturally responsive assessments	Documented procedures are used to review the technical manuals for all tests/instruments/assessments for standards of technical adequacy in controlling for gender and culture bias	<p>Anecdotal records from interview with the District Special Education Contact regarding the comparison between the norms addressed in the technical manual and actual practice with the local student population served</p> <p>Documents and/or anecdotal records from an interview regarding the process used to identify students who are not represented in the norming population of individual assessments and monitor non-biased assessment procedures</p> <p>Agendas, attendance records, and learning materials from ongoing professional development and support in the appropriate usage of culturally sensitive tests</p> <p>Anecdotal records from interview with assessor(s).</p> <p>Evidence of the above practices may include student, administrative or assessment records</p>

#### Standard 4

### **Eligibility Determination: Demonstration of Comprehensive Consideration of Relevant Data to Determine Eligibility**

Beginning	Developing	At Standard
<p>The District Special Education Contact can outline procedures for determining the eligibility of students for special education.</p> <p>Trained professional staff are identified to participate in the Team (MET) process to recommend students' eligibility for special education.</p> <p>Tests are selected and administered so as not to be discriminatory.</p> <p>Upon completion of the administration of assessments and other evaluation measures, the Individualized Education Program Team (IEPT) determines whether the child is eligible for special education and related services.</p>	<p>A variety of assessment tools and strategies are used to gather relevant functional, developmental and academic information about the child for determining eligibility as outlined in § 1414 (b)(2)(A).</p>	<p>District assessment procedures include multiple measures such as formal testing, observation, and family/teacher input.</p> <p>Files and documents have complete information on what was sought and considered with regard student's eligibility.</p> <p>District has an established procedure to ensure that staff adheres to established eligibility policies and guidelines.</p> <p>Staff is trained with regard to cultural bias in assessment practices.</p>

**EVIDENCE: Standard 4**

**Eligibility Determination: Demonstration of Comprehensive Consideration of Relevant Data to Determine Eligibility**

Beginning	Developing	At Standard
Anecdotal records from interview with District Special Education Contact regarding procedures for determining special education eligibility  Personnel Inventory  Documentation of assessment tools used  Student Records  Signatures on Multidisciplinary Evaluation Team (MET) forms  MET reports	Student Records  Signatures on MET forms  MET reports	Student Records  Signatures on MET forms  MET reports  Staff Training Modules or agendas, SB-CEUs earned, etc.  System for review of practices  Agendas for training on cultural bias in assessment practices

### Standard 5

#### Performance Data in Decision Making: Educational Placement and Setting Decisions Aligned to Performance Data

Beginning	Developing	At Standard
Special education staff collect data measuring student progress on IEP objectives and report quarterly to parents.	<p>District provides professional development on how to analyze student data and measure student progress.</p> <p>District uses the finding(s) to plan educational interventions.</p> <p>The district reviews and analyzes student performance data to plan educational interventions.</p> <p>When appropriate, the student's instructional plans are adjusted to assure progress toward goals.</p>	<p>District special education staff analyzes students' progress on IEP objectives and uses results to drive decision making regarding program improvements, curriculum and instruction.</p> <p>Changes in special education placements and related services are based on analysis of student progress on IEP objectives.</p>

### EVIDENCE: Standard 5

#### Performance Data in Decision Making: Educational Placement and Setting Decisions Aligned to Performance Data

Beginning	Developing	At Standard
<p>Student Records</p> <p>Copies of student performance reports sent to parents</p>	<p>Agendas and attendance records for professional development</p> <p>Charts and graphs analyzing student progress</p> <p>Documentation of decisions regarding program, curriculum and instructional improvements</p> <p>Student Records</p> <p>Teacher lesson plans</p>	<p>District charts and graphs showing student progress on IEP objectives</p> <p>Protocol for developing a needs assessment for the district based on analysis of student assessment</p> <p>System to review quarterly reports on students' progress on IEPs</p> <p>Schedules of intervention plans for students based on benchmark assessments</p> <p>Intervention protocols designed for individual students</p>

### Standard 6

#### **Inclusive Educational Practices: Access to General Education Curriculum Through Appropriate Continuum of Services**

Beginning	Developing	At Standard
<p>Educational services are provided in a continuum of settings to assure maximum access to participation in and progress in general education.</p>	<p>IEPs reflect alignment of student need (Present Level of Academic Achievement and Functional Performance--PLAAFP), goals and Instructional Setting for service delivery.</p> <p>Data is collected to determine if there is a correlation between race/ethnicity and placement in more restrictive settings.</p>	<p>Analysis of student placement and performance data reveals improvements in educational setting data, accommodation, and performance data for students with disabilities.</p> <p>The district shares results of data collection and analyses with staff.</p> <p>The district plans professional development to assist staff in decision-making that is culturally sensitive.</p>

### EVIDENCE: Standard 6

#### **Inclusive Educational Practices: Access to General Education Curriculum Through Appropriate Continuum of Services**

Beginning	Developing	At Standard
<p>Staff assignments reflect a continuum of services</p> <p>Course description manual</p>	<p>District Data portraits</p> <p>Students Records</p> <p>Education Benefit statements, in the MDE-OSE/EIS Continuous Improvement and Monitoring System (CIMS)</p> <p>Charts/graphs that indicate class assignments relative to race/ethnicity</p>	<p>District Data portraits</p> <p>Students Records</p> <p>Education Benefit statements (CIMS)</p> <p>Charts/graphs that indicate class assignments relative to race/ethnicity</p> <p>District reports relative to educational setting data (LRE)</p> <p>District professional development agendas, attendance records and outcomes</p>

# Michigan Disproportionality Rubric: Data Analysis Worksheet 1

Questions to Investigate <i>What do we need to know?</i>	Data Needed <i>District, school, or classroom</i>	Data Location <i>Where do we find it?</i>	Staff Responsible	Actions



**Michigan Disproportionality Rubric:  
Data Analysis Worksheet 2**

**ANALYSIS OF LEA POLICIES, PRACTICES, PROCEDURES**

<b>Patterns/Trends Current Reality</b>	<b>Gaps</b>	<b>Supports Resources</b>	<b>Barriers</b>